

UNITED STATES DISTRICT COURT
 for the
 Southern District of Texas

United States District Court
 Southern District of Texas
 FILED

MAY 24 2018

United States of America)
 v.)
 Uriel DE LA ROSA (U.S.C. / Y.O.B. 1994))
 Heber HERNANDEZ (U.S.C. / Y.O.B. 1994))
)
 Defendant)

Case No. *M-18-1101-M*

David J. Bradley, Clerk

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 04/13/2018 in the county of Hidalgo in the Southern District of Texas, the defendant violated Title 18 U. S. C. § Section 922(a)(6), an offense described as follows:

It shall be unlawful for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, knowingly to make any false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive such importer, manufacturer, dealer or collector with respect to any fact material to the lawfulness of the sale or other disposition of such firearm or ammunition under the provisions of this chapter.

This criminal complaint is based on these facts:

SEE ATTACHMENT A

Continued on the attached sheet.

*Approved by
 JES/KDR*

Sworn to before me and signed in my presence.

Date: May 24, 2018 8:54 am



Complainant's signature

Alexander Estrada, ATF Special Agent

Alexander Estrada
 Printed name and title

City and state:

McAllen, Texas

Peter E. Ormsby, U.S. Magistrate Judge

Peter E. Ormsby
 Printed name and title

Peter E. Ormsby

Judge's signature

ATTACHMENT A

This affidavit is in support of a criminal complaint charging Uriel DE LA ROSA and Heber HERNANDEZ, hereinafter referred to as "DE LA ROSA" and "HERNANDEZ" with the criminal violation set forth in Attachment A. The evidence available to me demonstrates that there is probable cause that both DE LA ROSA and HERNANDEZ have violated Title 18 Section 922(a)(6).

Further, the Affiant states as follows:

Previously, ATF Agents discovered that both Uriel DE LA ROSA and Heber HERNANDEZ had purchased twelve (12) AK-47 type rifles and one (1) 9mm pistol from local Federal Firearm Licensees (FFLs) in the Rio Grande Valley of Texas. ATF Agents noticed a pattern between their firearm purchases and discovered that both individuals did not live at the address listed on their respective ATF Form 4473s. On May 23, 2018, ATF Agent Alexander Estrada and another ATF Special Agent made contact with both DE LA ROSA and HERNANDEZ at the Hidalgo Port of Entry (POE) as they attempted to make entry into the United States from Mexico. During a post Miranda interview, DE LA ROSA admitted to being recruited by HERNANDEZ to straw purchase six (6) AK-47 type rifles.

Specifically, DE LA ROSA explained that on April 13, 2018 at a local McAllen FFL in the Southern District of Texas, he straw purchased a Century Arms, model: WASR-10, 7.62 caliber rifle on behalf and under the direction of Heber HERNANDEZ. DE LA ROSA stated that he falsely stated on the ATF Form 4473 that he was the true purchaser of the firearm when he knew that the statement was false. That false statement was needed to be able to complete the sale of the firearm.

During a post Miranda interview, HERNANDEZ admitted to straw purchasing five (5) AK-47 type rifles prior to recruiting DE LA ROSA to commit later straw purchases. Specifically, HERNANDEZ explained that on April 20, 2018 at a local McAllen FFL in the Southern District of Texas, he straw purchased a Century Arms, model: AK63DS, 7.62 caliber rifle on behalf and under the direction of another unidentified individual. HERNANDEZ stated that he falsely stated on the ATF Form 4473 that he was the true purchaser of the firearm when he knew that the statement was false. He further stated that he recruited DE LA ROSA to purchase a firearm and falsely state that DE LA ROSA was the true purchaser. Those false statements regarding the true purchaser were needed to be able to complete the sale of the firearm.

The identity of the true purchaser of the firearm is material to the records required to be kept by an FFL on the ATF Form 4473.